
SENATE BILL 5070

State of Washington

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By Senators Carrell, Regala, Hargrove, Kline, Weinstein, Stevens, Brandland, Parlette, McCaslin, Kastama, Holmquist, Zarelli, Pridemore, Schoesler, Clements, Rasmussen, Swecker, Roach, Franklin, Delvin, Sheldon, Eide, Spanel, Hewitt, Hatfield, Keiser, Pflug, McAuliffe, Berkey, Haugen, Fairley, Murray, Tom, Kohl-Welles, Shin and Kilmer

Read first time 01/10/2007. Referred to Committee on Human Services & Corrections.

1 AN ACT Relating to reentry of offenders into the community;
2 amending RCW 9.94A.728, 9.94A.737, and 72.09.460; adding new sections
3 to chapter 72.09 RCW; adding new sections to chapter 43.43 RCW; adding
4 a new section to chapter 59.18 RCW; adding a new section to chapter
5 35.82 RCW; adding a new chapter to Title 72 RCW; creating new sections;
6 making appropriations; and providing expiration dates.

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

8 NEW SECTION. **Sec. 1.** The people of the state of Washington expect
9 to live in safe communities in which the threat of crime is minimized.
10 Attempting to keep communities safe by building more prisons and paying
11 the costs of incarceration has proven to be expensive to taxpayers.
12 The vast majority of offenders will return to their communities. Many
13 of these former offenders will not have had the opportunity to address
14 the deficiencies that may have contributed to their criminal behavior.
15 Persons who do not have basic literacy and job skills, or who are ill-
16 equipped to make the behavioral changes necessary to successfully
17 function in the community, have a high risk of reoffense. Recidivism
18 represents serious costs to victims, both financial and nonmonetary in

1 nature, and also burdens state and local governments with those
2 offenders who recycle through the criminal justice system.

3 The legislature believes this cycle can be reversed and a
4 substantial cost savings can be realized by utilizing evidence-based
5 programs to address offender deficits, developing and maintaining an
6 individualized reentry plan for every offender, and better coordinating
7 the reentry efforts of state and local governments and local
8 communities. Research shows that if quality assurances are adhered to,
9 implementing an optimal portfolio of evidence-based programming options
10 for offenders can have a notable impact on recidivism. Further, the
11 resulting cost savings should be sufficient to sustain state and local
12 reentry efforts for the long term.

13 The purpose of this act is to improve public safety by better
14 preparing offenders while incarcerated, and continuing those efforts
15 for those recently released from prison or jail, for successful,
16 productive, and healthy transitions to their communities. Educational,
17 employment, and treatment opportunities should be designed to address
18 individual deficits and give offenders the tools necessary to function
19 in society. In order to foster this successful reintegration, this act
20 recognizes the importance of a strong partnership between the
21 department of corrections, local governments, law enforcement, social
22 service providers, and interested members of communities across our
23 state.

24 **PART I - COMMUNITY TRANSITION COORDINATION NETWORKS**

25 NEW SECTION. **Sec. 101.** The definitions in this section apply
26 throughout this chapter unless the context clearly requires otherwise.

27 (1) A "community transition coordination network" is a system of
28 coordination that facilitates partnerships between supervision and
29 service providers on both the state and local levels. It is
30 anticipated that an offender who is released to the community will be
31 able to utilize a community transition coordination network to be
32 connected directly to the supervision and services needed for
33 successful reentry.

34 (2) A "community transition team" means a team of individuals
35 designated to assist the supervising authority in coordinating an
36 offender's reentry. Individuals may include, but are not limited to,

1 the offender's family, faith-based support, a mentor, case management
2 support, housing providers, local law enforcement, and
3 neighborhood/community support.

4 (3) An "individual reentry plan" is a collaborative product
5 involving the offender, supervising authorities, treatment providers,
6 and neighborhood and community organizations. The individual reentry
7 plan utilizes information about offenders' risks and needs identified
8 in a comprehensive assessment to describe actions that must occur to
9 prepare individual offenders for release from prison or jail, define
10 terms and conditions of their release to communities, specify the
11 supervision and services they will experience in the community, and
12 describe an offender's eventual discharge to aftercare upon successful
13 completion of supervision. An individual reentry plan may be different
14 depending on whether it is created by the state or local supervising
15 authority and may change throughout the period of an offender's
16 incarceration and supervision.

17 (4) "Local community policing and supervision programs" include
18 community corrections, work release, jails, and other programs operated
19 by local police, courts, or correctional agencies.

20 (5) "State community corrections supervision programs" include
21 community corrections, work release, partial confinement, and other
22 programs run by the department of corrections or the department of
23 social and health services.

24 (6) "Supervising authority" means the agency or entity that has the
25 legal responsibility for supervising an offender.

26 NEW SECTION. **Sec. 102.** (1) Each county or group of counties shall
27 conduct an assessment of the services and resources available in the
28 county or region to assist offenders in reentering the community.

29 (2) In conducting its assessment, the county or group of counties
30 must make efforts to invite participation from the following:

31 (a) The department of corrections;

32 (b) The department of social and health services in the following
33 program areas: Medical care, mental health, and alcohol and substance
34 abuse;

35 (c) The public health department or health district;

36 (d) City and county law enforcement;

37 (e) Community corrections officers;

1 (f) Faith-based and nonprofit organizations providing assistance to
2 offenders;

3 (g) Housing providers; and

4 (h) Other community stakeholders interested in reentry efforts.

5 (3) The assessment must include, but is not limited to:

6 (a) An inventory of services such as training and employment
7 programs, transportation, translation services, specialized veterans'
8 programs, housing, life-skills training, substance abuse and mental
9 health treatment, mentoring, and other prosocial activities;

10 (b) An indication of the availability of representatives to act as
11 a community transition team for returning offenders; and

12 (c) An assessment of the county's or group of counties' readiness
13 to implement a community transition coordination network.

14 (4) No later than December 1, 2007, each county or group of
15 counties shall present its assessment and inventory to the secretary of
16 the department of corrections and the technical advisory committee
17 convened in section 103(8) of this act.

18 NEW SECTION. **Sec. 103.** (1) The department of community, trade and
19 economic development shall establish a community transition
20 coordination network program for the purpose of awarding grants to
21 counties or groups of counties for implementing coordinated reentry
22 efforts for offenders returning to the community from prison or jail.
23 Grant awards are subject to the availability of amounts appropriated
24 for this specific purpose.

25 (2) Effective October 1, 2007, any county or group of counties, may
26 apply for participation in the community transition coordination
27 network program by submitting a plan for a community transition
28 coordination network.

29 (3) A plan for a community transition coordination network
30 initiated under this section must be collaborative in nature and must
31 seek creative and locally appropriate solutions based on voluntary
32 participation of public and private entities or programs to support
33 successful, community-based offender reentry.

34 (4) A county or group of counties seeking to develop a community
35 transition coordination network must make efforts to invite
36 participation from the following:

1 (a) The department of social and health services in the following
2 program areas: Medical care, mental health, and alcohol and substance
3 abuse;

4 (b) The public health department or health district;

5 (c) City and county law enforcement;

6 (d) Community corrections officers;

7 (e) Faith-based and nonprofit organizations providing assistance to
8 offenders;

9 (f) Housing providers; and

10 (g) Other community stakeholders interested in reentry efforts.

11 (5) A plan for a community transition coordination network must be
12 established in coordination with the department of corrections and the
13 department of corrections must approve the plan prior to submittal by
14 the county or group of counties. To the extent feasible, the
15 department of corrections shall cooperate with any county or group of
16 counties in establishing a community transition coordination network.

17 (6) The department of community, trade, and economic development
18 shall review county applications for funding through the community
19 transition coordination network program and shall select the counties
20 that will be awarded grants with funds appropriated to implement this
21 program, provided that the department shall make every effort to
22 include at least one rural county or group of counties. A plan for a
23 community transition coordination network must include detailed
24 descriptions of collaboration and coordination between state community
25 corrections supervision programs and local community policing and
26 supervision programs including the following components:

27 (a) Methods for connecting offenders to supervision and services in
28 a timely manner;

29 (b) Development of an assessment process to identify the risk and
30 needs of offenders, which may incorporate the use of the department of
31 corrections' assessment tools or other assessment strategies;

32 (c) Development and/or maintenance of an individual reentry plan
33 for every offender;

34 (d) Delivery of services and evidence-based programming to
35 offenders that meet an offender's needs as identified in his or her
36 individual reentry plan;

37 (e) Identification of a transition team or teams to assist the
38 supervising authority in coordinating an offender's reentry;

1 (f) Resources that, in both supervision and treatment, support
2 graduated transition from a custody setting to full community release;

3 (g) A description of state funds that will be needed to implement
4 the community transition coordination network.

5 (7) Counties that participate in a community transition
6 coordination network shall have its reasonable costs of coordinating
7 local reentry efforts paid for with moneys from the community
8 transition coordination network account established pursuant to section
9 106 of this act. Counties receiving state funds must:

10 (a) Demonstrate the funds allocated pursuant to this section will
11 be used only for those purposes in establishing and maintaining a
12 community transition coordination network;

13 (b) Consult with the Washington state institute for public policy
14 to conduct an annual evaluation of the program including the benefit-
15 cost ratio of service delivery through a community transition
16 coordination network and any associated reductions in recidivism. The
17 Washington state institute for public policy shall provide direction to
18 counties in tracking and evaluating its programs so as to facilitate
19 identification of evidence-based approaches.

20 (8) The department of community, trade, and economic development
21 shall convene a technical advisory committee comprised of
22 representatives from the senate, the house of representatives, the
23 governor's office of financial management, the department of
24 corrections, the Washington association of counties, associated
25 Washington cities, a nonprofit provider of reentry services and an
26 ex-offender to assist in implementation of this act. The advisory
27 committee shall meet no less than annually to monitor implementation of
28 community transition coordination networks, review evaluations
29 submitted pursuant to subsection (7) of this section and identify
30 evidence-based practices and programs for other counties seeking to
31 establish community transition coordination networks.

32 (9) This section expires July 1, 2012.

33 NEW SECTION. **Sec. 104.** (1) Agencies, entities, or individuals
34 acting in coordination with the supervising authority to provide
35 transition services are not liable for civil damages resulting from any
36 act or omission in the rendering of supervision activities.

1 (2) An individual reentry plan may not be used as evidence of
2 liability against the state of Washington, counties, or cities, or any
3 state, county, or city employees.

4 NEW SECTION. **Sec. 105.** Nothing in this act is intended to shift
5 the supervising responsibility or sanctioning authority from one
6 government entity to another or give a community transition
7 coordination network oversight responsibility for those activities.

8 NEW SECTION. **Sec. 106.** (1) The community transition coordination
9 network account is created in the state treasury. All receipts from
10 appropriations, gifts, and grants shall be deposited into the account.
11 Moneys in the account may be spent only after appropriation.
12 Expenditures from the account may be used only for the purposes of
13 section 103 of this act.

14 (2) This section expires July 1, 2012.

15 NEW SECTION. **Sec. 107.** Nothing in this act creates an entitlement
16 for a county or group of counties to receive funding under the program
17 created in section 103 of this act.

18 NEW SECTION. **Sec. 108.** Sections 101 through 107 of this act
19 constitute a new chapter in Title 72 RCW.

20 **PART II - INDIVIDUAL REENTRY PLAN**

21 NEW SECTION. **Sec. 201.** A new section is added to chapter 72.09
22 RCW to read as follows:

23 (1) The department shall develop an individual reentry plan as
24 defined in section 101 of this act for every offender who is committed
25 to a correctional facility operated by the department except:

26 (a) Offenders who are sentenced to life without the possibility of
27 release; and

28 (b) Offenders who are subject to the provisions of 8 U.S.C. 1227.

29 (2) In developing reentry plans, the department shall assess all
30 offenders using standardized and comprehensive tools to identify the
31 criminogenic risks, programmatic needs, and educational and vocational
32 skill level for each offender.

1 (3) The initial assessment shall be conducted, whenever possible,
2 within the first thirty days after entry into the correctional system
3 and shall be periodically reviewed and updated as appropriate.

4 (4) Nothing in this act creates a vested right in programming,
5 education, or other services.

6 (5) An individual reentry plan may not be used as evidence of
7 liability against the department, the state of Washington, or its
8 employees.

9 **PART III - PARTIAL CONFINEMENT AND SUPERVISION**

10 NEW SECTION. **Sec. 301.** (1) The legislature intends that
11 Washington's work release centers be transformed into community reentry
12 centers with the capacity to provide offenders with the full range of
13 reentry services. The Washington state institute for public policy
14 shall conduct a comprehensive analysis and evaluation of community
15 reentry centers and work release facilities to identify evidence-based
16 practices or programs for the state of Washington. The research should
17 include an examination of reentry and work release practices in both
18 urban and rural areas and both inside and outside of the state of
19 Washington. The institute should identify what services or combination
20 of services may be provided within the context of community reentry
21 centers and the length of time services should be provided to optimize
22 the successful transition of an offender back into society.

23 (2) The department of corrections shall review its policies to
24 ensure that:

25 (a) Work release facilities are combined with other reentry
26 services that conform to evidence-based practices as identified by the
27 institute and which operate to serve as community reentry centers;

28 (b) Community reentry centers lead to meaningful employment for
29 offenders participating in the program;

30 (c) A plan is identified to ensure that community reentry centers
31 are available throughout the state;

32 (d) Community reentry centers are of a size consistent with
33 evidence-based practices and appropriate to the community in which they
34 are located;

35 (e) Communities are given meaningful avenues for ongoing
36 consultation with community reentry centers in their area; and

1 (f) Eligibility time to participate in partial confinement options
2 such as community reentry centers are increased in order to make it a
3 more meaningful experience for offenders.

4 (3)(a) The institute shall report its results and recommendations
5 to the governor and the legislature no later than November 1, 2007.

6 (b) The department of corrections shall report its results and
7 recommendations to the governor and the legislature no later than July
8 1, 2008.

9 **Sec. 302.** RCW 9.94A.728 and 2004 c 176 s 6 are each amended to
10 read as follows:

11 No person serving a sentence imposed pursuant to this chapter and
12 committed to the custody of the department shall leave the confines of
13 the correctional facility or be released prior to the expiration of the
14 sentence except as follows:

15 (1) Except as otherwise provided for in subsection (2) of this
16 section, the term of the sentence of an offender committed to a
17 correctional facility operated by the department may be reduced by
18 earned release time in accordance with procedures that shall be
19 developed and promulgated by the correctional agency having
20 jurisdiction in which the offender is confined. The earned release
21 time shall be for good behavior and good performance, as determined by
22 the correctional agency having jurisdiction. The correctional agency
23 shall not credit the offender with earned release credits in advance of
24 the offender actually earning the credits. Any program established
25 pursuant to this section shall allow an offender to earn early release
26 credits for presentence incarceration. If an offender is transferred
27 from a county jail to the department, the administrator of a county
28 jail facility shall certify to the department the amount of time spent
29 in custody at the facility and the amount of earned release time. An
30 offender who has been convicted of a felony committed after July 23,
31 1995, that involves any applicable deadly weapon enhancements under RCW
32 9.94A.533 (3) or (4), or both, shall not receive any good time credits
33 or earned release time for that portion of his or her sentence that
34 results from any deadly weapon enhancements.

35 (a) In the case of an offender convicted of a serious violent
36 offense, or a sex offense that is a class A felony, committed on or
37 after July 1, 1990, and before July 1, 2003, the aggregate earned

1 release time may not exceed fifteen percent of the sentence. In the
2 case of an offender convicted of a serious violent offense, or a sex
3 offense that is a class A felony, committed on or after July 1, 2003,
4 the aggregate earned release time may not exceed ten percent of the
5 sentence.

6 (b)(i) In the case of an offender who qualifies under (b)(ii) of
7 this subsection, the aggregate earned release time may not exceed fifty
8 percent of the sentence.

9 (ii) An offender is qualified to earn up to fifty percent of
10 aggregate earned release time under this subsection (1)(b) if he or
11 she:

12 (A) Is classified in one of the two lowest risk categories under
13 (b)(iii) of this subsection;

14 (B) Is not confined pursuant to a sentence for:

15 (I) A sex offense;

16 (II) A violent offense;

17 (III) A crime against persons as defined in RCW 9.94A.411;

18 (IV) A felony that is domestic violence as defined in RCW
19 10.99.020;

20 (V) A violation of RCW 9A.52.025 (residential burglary);

21 (VI) A violation of, or an attempt, solicitation, or conspiracy to
22 violate, RCW 69.50.401 by manufacture or delivery or possession with
23 intent to deliver methamphetamine; or

24 (VII) A violation of, or an attempt, solicitation, or conspiracy to
25 violate, RCW 69.50.406 (delivery of a controlled substance to a minor);
26 ((and))

27 (C) Has no prior conviction for:

28 (I) A sex offense;

29 (II) A violent offense;

30 (III) A crime against persons as defined in RCW 9.94A.411;

31 (IV) A felony that is domestic violence as defined in RCW
32 10.99.020;

33 (V) A violation of RCW 9A.52.025 (residential burglary);

34 (VI) A violation of, or an attempt, solicitation, or conspiracy to
35 violate, RCW 69.50.401 by manufacture or delivery or possession with
36 intent to deliver methamphetamine; or

37 (VII) A violation of, or an attempt, solicitation, or conspiracy to

1 violate, RCW 69.50.406 (delivery of a controlled substance to a minor);
2 and

3 (D) Actively participates in programming or activities as directed
4 by the offender's individual reentry plan as provided under section 201
5 of this act to the extent that such programming or activities are made
6 available by the department.

7 (iii) For purposes of determining an offender's eligibility under
8 this subsection (1)(b), the department shall perform a risk assessment
9 of every offender committed to a correctional facility operated by the
10 department who has no current or prior conviction for a sex offense, a
11 violent offense, a crime against persons as defined in RCW 9.94A.411,
12 a felony that is domestic violence as defined in RCW 10.99.020, a
13 violation of RCW 9A.52.025 (residential burglary), a violation of, or
14 an attempt, solicitation, or conspiracy to violate, RCW 69.50.401 by
15 manufacture or delivery or possession with intent to deliver
16 methamphetamine, or a violation of, or an attempt, solicitation, or
17 conspiracy to violate, RCW 69.50.406 (delivery of a controlled
18 substance to a minor). The department must classify each assessed
19 offender in one of four risk categories between highest and lowest
20 risk.

21 (iv) The department shall recalculate the earned release time and
22 reschedule the expected release dates for each qualified offender under
23 this subsection (1)(b).

24 (v) This subsection (1)(b) applies retroactively to eligible
25 offenders serving terms of total confinement in a state correctional
26 facility as of July 1, 2003.

27 (vi) This subsection (1)(b) does not apply to offenders convicted
28 after July 1, 2010.

29 (c) In no other case shall the aggregate earned release time exceed
30 one-third of the total sentence;

31 (2)(a) A person convicted of a sex offense or an offense
32 categorized as a serious violent offense, assault in the second degree,
33 vehicular homicide, vehicular assault, assault of a child in the second
34 degree, any crime against persons where it is determined in accordance
35 with RCW 9.94A.602 that the offender or an accomplice was armed with a
36 deadly weapon at the time of commission, or any felony offense under
37 chapter 69.50 or 69.52 RCW, committed before July 1, 2000, may become

1 eligible, in accordance with a program developed by the department, for
2 transfer to community custody status in lieu of earned release time
3 pursuant to subsection (1) of this section;

4 (b) A person convicted of a sex offense, a violent offense, any
5 crime against persons under RCW 9.94A.411(2), or a felony offense under
6 chapter 69.50 or 69.52 RCW, committed on or after July 1, 2000, may
7 become eligible, in accordance with a program developed by the
8 department, for transfer to community custody status in lieu of earned
9 release time pursuant to subsection (1) of this section;

10 (c) The department shall, as a part of its program for release to
11 the community in lieu of earned release, require the offender to
12 propose a release plan that includes an approved residence and living
13 arrangement. All offenders with community placement or community
14 custody terms eligible for release to community custody status in lieu
15 of earned release shall provide an approved residence and living
16 arrangement prior to release to the community;

17 (d) The department may deny transfer to community custody status in
18 lieu of earned release time pursuant to subsection (1) of this section
19 if the department determines an offender's release plan, including
20 proposed residence location and living arrangements, may violate the
21 conditions of the sentence or conditions of supervision, place the
22 offender at risk to violate the conditions of the sentence, place the
23 offender at risk to reoffend, or present a risk to victim safety or
24 community safety. The department's authority under this section is
25 independent of any court-ordered condition of sentence or statutory
26 provision regarding conditions for community custody or community
27 placement;

28 (e) An offender serving a term of confinement imposed under RCW
29 9.94A.670(4)(a) is not eligible for earned release credits under this
30 section;

31 (3) An offender may leave a correctional facility pursuant to an
32 authorized furlough or leave of absence. In addition, offenders may
33 leave a correctional facility when in the custody of a corrections
34 officer or officers;

35 (4)(a) The secretary may authorize an extraordinary medical
36 placement for an offender when all of the following conditions exist:

37 (i) The offender has a medical condition that is serious enough to
38 require costly care or treatment;

1 (ii) The offender poses a low risk to the community because he or
2 she is physically incapacitated due to age or the medical condition;
3 and

4 (iii) Granting the extraordinary medical placement will result in
5 a cost savings to the state.

6 (b) An offender sentenced to death or to life imprisonment without
7 the possibility of release or parole is not eligible for an
8 extraordinary medical placement.

9 (c) The secretary shall require electronic monitoring for all
10 offenders in extraordinary medical placement unless the electronic
11 monitoring equipment interferes with the function of the offender's
12 medical equipment or results in the loss of funding for the offender's
13 medical care. The secretary shall specify who shall provide the
14 monitoring services and the terms under which the monitoring shall be
15 performed.

16 (d) The secretary may revoke an extraordinary medical placement
17 under this subsection at any time;

18 (5) The governor, upon recommendation from the clemency and pardons
19 board, may grant an extraordinary release for reasons of serious health
20 problems, senility, advanced age, extraordinary meritorious acts, or
21 other extraordinary circumstances;

22 (6) No more than the final (~~six~~) twelve months or one-half of the
23 sentence, whichever is less, may be served in partial confinement
24 designed to aid the offender in finding work and reestablishing himself
25 or herself in the community;

26 (7) The governor may pardon any offender;

27 (8) The department may release an offender from confinement any
28 time within ten days before a release date calculated under this
29 section; and

30 (9) An offender may leave a correctional facility prior to
31 completion of his or her sentence if the sentence has been reduced as
32 provided in RCW 9.94A.870.

33 Notwithstanding any other provisions of this section, an offender
34 sentenced for a felony crime listed in RCW 9.94A.540 as subject to a
35 mandatory minimum sentence of total confinement shall not be released
36 from total confinement before the completion of the listed mandatory
37 minimum sentence for that felony crime of conviction unless allowed

1 under RCW 9.94A.540, however persistent offenders are not eligible for
2 extraordinary medical placement.

3 **Sec. 303.** RCW 9.94A.737 and 2005 c 435 s 3 are each amended to
4 read as follows:

5 (1) If an offender violates any condition or requirement of
6 community custody, the department may transfer the offender to a more
7 restrictive confinement status to serve up to the remaining portion of
8 the sentence, less credit for any period actually spent in community
9 custody or in detention awaiting disposition of an alleged violation
10 and subject to the limitations of subsection (2) of this section.

11 (2)(a) For a sex offender sentenced to a term of community custody
12 under RCW 9.94A.670 who violates any condition of community custody,
13 the department may impose a sanction of up to sixty days' confinement
14 in a local correctional facility for each violation. If the department
15 imposes a sanction, the department shall submit within seventy-two
16 hours a report to the court and the prosecuting attorney outlining the
17 violation or violations and the sanctions imposed.

18 (b) For a sex offender sentenced to a term of community custody
19 under RCW 9.94A.710 who violates any condition of community custody
20 after having completed his or her maximum term of total confinement,
21 including time served on community custody in lieu of earned release,
22 the department may impose a sanction of up to sixty days in a local
23 correctional facility for each violation.

24 (c) For an offender sentenced to a term of community custody under
25 RCW 9.94A.505(2)(b), 9.94A.650, or 9.94A.715, or under RCW 9.94A.545,
26 for a crime committed on or after July 1, 2000, who violates any
27 condition of community custody after having completed his or her
28 maximum term of total confinement, including time served on community
29 custody in lieu of earned release, the department may impose a sanction
30 of up to sixty days in total confinement for each violation. The
31 department may impose sanctions such as work release, home detention
32 with electronic monitoring, work crew, community restitution, inpatient
33 treatment, daily reporting, curfew, educational or counseling sessions,
34 supervision enhanced through electronic monitoring, or any other
35 sanctions available in the community.

36 (d) For an offender sentenced to a term of community placement
37 under RCW 9.94A.705 who violates any condition of community placement

1 after having completed his or her maximum term of total confinement,
2 including time served on community custody in lieu of earned release,
3 the department may impose a sanction of up to sixty days in total
4 confinement for each violation. The department may impose sanctions
5 such as work release, home detention with electronic monitoring, work
6 crew, community restitution, inpatient treatment, daily reporting,
7 curfew, educational or counseling sessions, supervision enhanced
8 through electronic monitoring, or any other sanctions available in the
9 community.

10 (3) If an offender is accused of violating any condition or
11 requirement of community custody, he or she is entitled to a hearing
12 before the department prior to the imposition of sanctions. The
13 hearing shall be considered as offender disciplinary proceedings and
14 shall not be subject to chapter 34.05 RCW. The department shall
15 develop hearing procedures and a structure of graduated sanctions.

16 (4) The hearing procedures required under subsection (3) of this
17 section shall be developed by rule and include the following:

18 (a) Hearing officers shall report through a chain of command
19 separate from that of community corrections officers;

20 (b) The department shall provide the offender with written notice
21 of the violation, the evidence relied upon, and the reasons the
22 particular sanction was imposed. The notice shall include a statement
23 of the rights specified in this subsection, and the offender's right to
24 file a personal restraint petition under court rules after the final
25 decision of the department;

26 (c) The hearing shall be held unless waived by the offender, and
27 shall be electronically recorded. For offenders not in total
28 confinement, the hearing shall be held within fifteen working days, but
29 not less than twenty-four hours, after notice of the violation. For
30 offenders in total confinement, the hearing shall be held within five
31 working days, but not less than twenty-four hours, after notice of the
32 violation;

33 (d) The offender shall have the right to: (i) Be present at the
34 hearing; (ii) have the assistance of a person qualified to assist the
35 offender in the hearing, appointed by the hearing officer if the
36 offender has a language or communications barrier; (iii) testify or
37 remain silent; (iv) call witnesses and present documentary evidence;
38 and (v) question witnesses who appear and testify; and

1 (e) The sanction shall take effect if affirmed by the hearing
2 officer. Within seven days after the hearing officer's decision, the
3 offender may appeal the decision to a panel of three reviewing officers
4 designated by the secretary or by the secretary's designee. The
5 sanction shall be reversed or modified if a majority of the panel finds
6 that the sanction was not reasonably related to any of the following:
7 (i) The crime of conviction; (ii) the violation committed; (iii) the
8 offender's risk of reoffending; or (iv) the safety of the community.

9 (5) For purposes of this section, no finding of a violation of
10 conditions may be based on unconfirmed or unconfirmable allegations.

11 (6)(a) Notwithstanding the provisions of this section, if an
12 offender commits more than one violation of any crime-related
13 prohibition as defined in RCW 9.94A.030 or targeted risk condition as
14 designated by the department, the department shall:

15 (i) Upon the second violation, apply sanctions in accordance with
16 RCW 9.94A.634 and submit a report to the court and the prosecuting
17 attorney as provided in that section; and

18 (ii) Upon the third violation:

19 (A) If the offender has not completed the maximum term of total
20 confinement, immediately transfer the offender to total confinement
21 status for completion of the remainder of his or her sentence and
22 notify the offender of his or her right to a hearing before the court;

23 (B) If the offender has completed the maximum term of total
24 confinement, the department shall refer the violation to the court.

25 (b) Any violation hearing conducted pursuant to this subsection
26 shall be conducted in the same manner as provided in RCW 9.94A.634.
27 Jurisdiction shall be with the court of the county in which the
28 offender was sentenced. However, the court may order a change of venue
29 to the offender's county of residence or where the violation occurred,
30 for the purpose of holding a violation hearing.

31 (7) The department shall work with the Washington association of
32 sheriffs and police chiefs to establish and operate an electronic
33 monitoring program for low-risk offenders who violate the terms of
34 their community custody. Between January 1, 2006, and December 31,
35 2006, the department shall endeavor to place at least one hundred low-
36 risk community custody violators on the electronic monitoring program
37 per day if there are at least that many low-risk offenders who qualify
38 for the electronic monitoring program.

1 (c) The appropriate agency or entity to conduct supervision
2 violation hearings;

3 (d) Amendments to the supervision violation hearing process to
4 improve the ability to respond appropriately to an offender's behavior
5 by imposing more severe sanctions, return the process to the court, or
6 some other solution to address the difficulty in creating effective
7 sanctions for offender behavior;

8 (e) Workloads for community corrections officers and other staff
9 associated with supervision activities to recommend staff reassignments
10 and/or additional FTEs needed to maintain adequate supervision;

11 (f) Roles and responsibilities of supervisory staff to ensure
12 adequate supervision and quality assurance standards for community
13 corrections staff;

14 (g) Coordination and communication between local law enforcement
15 and community corrections officers;

16 (h) Mechanisms to provide better access to information by community
17 corrections officers about the offenders they are supervising including
18 statutory changes to confidentiality provisions and utilization of
19 automation and technology.

20 (4) The department of corrections shall present a report of its
21 findings and recommendations to the governor and the appropriate
22 committees of the legislature, including any proposed legislation, by
23 November 15, 2007.

24 (5) This section expires December 15, 2007.

25 **PART IV - EDUCATION**

26 **Sec. 401.** RCW 72.09.460 and 2004 c 167 s 5 are each amended to
27 read as follows:

28 (1) Except as provided in subsection (6) of this section, the
29 legislature intends that all inmates be required to participate in
30 department-approved education programs, work programs, or both, unless
31 exempted under subsection (4) of this section. Eligible inmates who
32 refuse to participate in available education or work programs available
33 at no charge to the inmates shall lose privileges according to the
34 system established under RCW 72.09.130. Eligible inmates who are
35 required to contribute financially to an education or work program and
36 refuse to contribute shall be placed in another work program. Refusal

1 to contribute shall not result in a loss of privileges. The
2 legislature recognizes more inmates may agree to participate in
3 education and work programs than are available. The department must
4 make every effort to achieve maximum public benefit by placing inmates
5 in available and appropriate education and work programs.

6 (2) The department shall provide access to a program of education
7 to all offenders who are under the age of eighteen and who have not met
8 high school graduation or general equivalency diploma requirements in
9 accordance with chapter 28A.193 RCW. The program of education
10 established by the department and education provider under RCW
11 28A.193.020 for offenders under the age of eighteen must provide each
12 offender a choice of curriculum that will assist the inmate in
13 achieving a high school diploma or general equivalency diploma. The
14 program of education may include but not be limited to basic education,
15 prevocational training, work ethic skills, conflict resolution
16 counseling, substance abuse intervention, and anger management
17 counseling. The curriculum may balance these and other rehabilitation,
18 work, and training components.

19 (3) The department shall, to the extent possible and considering
20 all available funds, prioritize its resources to meet the following
21 goals for inmates in the order listed:

22 (a) Achievement of basic academic skills through obtaining a high
23 school diploma or its equivalent and achievement of vocational skills
24 necessary for purposes of work programs and for an inmate to qualify
25 for work upon release;

26 (b) Additional work and education programs based on (~~assessments~~
27 ~~and placements under subsection (5) of this section~~) an offender's
28 individual reentry plan under section 201 of this act; and

29 (c) Other work and education programs as appropriate.

30 (4) The department shall establish, by rule, objective medical
31 standards to determine when an inmate is physically or mentally unable
32 to participate in available education or work programs. When the
33 department determines an inmate is permanently unable to participate in
34 any available education or work program due to a medical condition, the
35 inmate is exempt from the requirement under subsection (1) of this
36 section. When the department determines an inmate is temporarily
37 unable to participate in an education or work program due to a medical
38 condition, the inmate is exempt from the requirement of subsection (1)

1 of this section for the period of time he or she is temporarily
2 disabled. The department shall periodically review the medical
3 condition of all ~~((temporarily disabled))~~ inmates with temporary
4 disabilities to ensure the earliest possible entry or reentry by
5 inmates into available programming.

6 ~~((The department shall establish, by rule, standards for~~
7 ~~participation in department approved education and work programs. The~~
8 ~~standards shall address the following areas))~~ In addition to the
9 policies set forth in this section, the department shall consider the
10 following factors in establishing criteria for placing inmates in
11 education and work programs:

12 (a) ~~((Assessment. The department shall assess all inmates for~~
13 ~~their basic academic skill levels using a professionally accepted~~
14 ~~method of scoring reading, math, and language skills as grade level~~
15 ~~equivalents. The department shall determine an inmate's education~~
16 ~~history, work history, and vocational or work skills. The initial~~
17 ~~assessment shall be conducted, whenever possible, within the first~~
18 ~~thirty days of an inmate's entry into the correctional system, except~~
19 ~~that initial assessments are not required for inmates who are sentenced~~
20 ~~to life without the possibility of release, assigned to an intensive~~
21 ~~management unit within the first thirty days after entry into the~~
22 ~~correctional system, are returning to the correctional system within~~
23 ~~one year of a prior release, or whose physical or mental condition~~
24 ~~renders them unable to complete the assessment process. The department~~
25 ~~shall track and record changes in the basic academic skill levels of~~
26 ~~all inmates reflected in any testing or assessment performed as part of~~
27 ~~their education programming;~~

28 (b) ~~Placement. The department shall follow the policies set forth~~
29 ~~in subsection (1) of this section in establishing criteria for placing~~
30 ~~inmates in education and work programs. The department shall, to the~~
31 ~~extent possible, place all inmates whose composite grade level score~~
32 ~~for basic academic skills is below the eighth grade level in a combined~~
33 ~~education and work program. The placement criteria shall include at~~
34 ~~least the following factors:))~~

35 (i) An inmate's release date and custody level. An inmate shall
36 not be precluded from participating in an education or work program
37 solely on the basis of his or her release date, except that inmates
38 with a release date of more than one hundred twenty months in the

1 future shall not comprise more than ten percent of inmates
2 participating in a new class I correctional industry not in existence
3 on June 10, 2004;

- 4 (ii) An inmate's education history and basic academic skills;
- 5 (iii) An inmate's work history and vocational or work skills;
- 6 (iv) An inmate's economic circumstances, including but not limited
7 to an inmate's family support obligations; and
- 8 (v) Where applicable, an inmate's prior performance in department-
9 approved education or work programs;

10 ~~((c) Performance and goals.))~~ (b) The department shall establish,
11 and periodically review, inmate behavior standards and program goals
12 for all education and work programs. Inmates shall be notified of
13 applicable behavior standards and program goals prior to placement in
14 an education or work program and shall be removed from the education or
15 work program if they consistently fail to meet the standards or goals;

16 ~~((d) Financial responsibility. (i))~~ (c) Except as provided in
17 (d) of this subsection, so long as the educational or vocational
18 program is designed to provide an offender with basic academic skills
19 or meet the recommendations of an offender's individual reentry plan,
20 to the extent possible, the department shall pay for educational
21 programs and vocational trainings, including but not limited to books,
22 materials, supplies, and postage costs related to correspondence
23 courses; and

24 (d) The department shall establish ~~((a formula by which inmates,~~
25 ~~based on their ability to pay, shall))~~ policies requiring an offender
26 to pay all or a portion of the costs ~~((or))~~ and tuition ~~((of certain~~
27 ~~programs. Inmates shall, based on the formula, pay a portion of the~~
28 ~~costs or tuition of))~~ for participation in:

29 ~~((A) Second and subsequent vocational programs associated with an~~
30 ~~inmate's work programs; and~~

31 ~~(B))~~ (i) An associate of arts or baccalaureate degree program
32 ~~((when placement in a degree program is the result of a placement made~~
33 ~~under this subsection;~~

34 ~~(ii) Inmates shall pay all costs and tuition for participation in:~~
35 ~~(A))~~);

36 (ii) Any postsecondary academic degree program which is entered
37 independently of a placement decision made under this subsection; and

1 ~~((B) Second and subsequent vocational programs not associated with~~
2 ~~an inmate's work program.~~

3 ~~Enrollment in any program specified in (d)(ii) of this subsection~~
4 ~~shall only be allowed by correspondence or if there is an opening in an~~
5 ~~education or work program at the institution where an inmate is~~
6 ~~incarcerated and no other inmate who is placed in a program under this~~
7 ~~subsection will be displaced; and~~

8 ~~(e)) (iii) Any educational program or vocational training if the~~
9 ~~offender has previously abandoned coursework related to education or~~
10 ~~vocational training without a satisfactory explanation.~~

11 ~~(6) Notwithstanding any other provision in this section, an inmate~~
12 ~~sentenced to life without the possibility of release or subject to the~~
13 ~~provisions of 8 U.S.C. 1227:~~

14 ~~((i)) (a) Shall not be required to participate in education~~
15 ~~programming; ~~(and~~~~

16 ~~(ii)) (b) May receive not more than one postsecondary academic~~
17 ~~degree in a program offered by the department or its contracted~~
18 ~~providers(~~-~~~~

19 ~~If an inmate sentenced to life without the possibility of release~~
20 ~~requires)); and~~

21 ~~(c) May participate in prevocational or vocational training ~~((for))~~~~
22 ~~that may be necessary to participate in a work program(~~, he or she may~~~~
23 ~~participate in the training subject to this section)).~~

24 ~~((6) The department shall coordinate education and work programs~~
25 ~~among its institutions, to the greatest extent possible, to facilitate~~
26 ~~continuity of programming among inmates transferred between~~
27 ~~institutions. Before transferring an inmate enrolled in a program, the~~
28 ~~department shall consider the effect the transfer will have on the~~
29 ~~inmate's ability to continue or complete a program. This subsection~~
30 ~~shall not be used to delay or prohibit a transfer necessary for~~
31 ~~legitimate safety or security concerns.~~

32 ~~(7) Before construction of a new correctional institution or~~
33 ~~expansion of an existing correctional institution, the department shall~~
34 ~~adopt a plan demonstrating how cable, closed circuit, and satellite~~
35 ~~television will be used for education and training purposes in the~~
36 ~~institution. The plan shall specify how the use of television in the~~
37 ~~education and training programs will improve inmates' preparedness for~~

1 available work programs and job opportunities for which inmates may
2 qualify upon release.

3 ~~(8) The department shall adopt a plan to reduce the per pupil cost
4 of instruction by, among other methods, increasing the use of volunteer
5 instructors and implementing technological efficiencies. The plan
6 shall be adopted by December 1996 and shall be transmitted to the
7 legislature upon adoption. The department shall, in adoption of the
8 plan, consider distance learning, satellite instruction, video tape
9 usage, computer aided instruction, and flexible scheduling of offender
10 instruction.~~

11 ~~(9) Following completion of the review required by section 27(3),
12 chapter 19, Laws of 1995 1st sp. sess. the department shall take all
13 necessary steps to assure the vocation and education programs are
14 relevant to work programs and skills necessary to enhance the
15 employability of inmates upon release.)~~

16 NEW SECTION. Sec. 402. (1) The department of corrections and the
17 state board for community and technical colleges shall investigate and
18 review methods to optimize educational and vocational programming
19 opportunities to meet the needs of each offender as identified in his
20 or her individual reentry plan both while an offender is incarcerated
21 and postrelease.

22 (2) In conducting its review, the department and state board shall
23 consider and make recommendations regarding:

24 (a) Technological advances which could serve to expand educational
25 programs and vocational training including, but not limited to,
26 distance learning, satellite instruction, videotape usage, computer
27 aided instruction, and flexible scheduling;

28 (b) Methods to ensure educational programs and vocational training
29 are relevant to work programs and skills necessary to enhance the
30 employability of offenders upon release; and

31 (c) Long-term methods for maintaining channels of communication
32 between the department, state board administration, educators, and
33 students.

34 (3) The department and state board shall report to the governor and
35 the legislature no later than November 15, 2007.

1 (e) Interviewing the prospective employee.

2 (4) If criminal history record information is returned for a
3 potential employee, in determining whether the information reasonably
4 demonstrates the suitability or unsuitability of the prospective
5 employee for the particular work to be performed or for the employment
6 in general, the employer shall consider:

7 (a) The specific duties and responsibilities necessarily related to
8 the employment sought;

9 (b) The bearing, if any, the criminal offense or offenses for which
10 the person was previously convicted will have on his fitness or ability
11 to perform one or more such duties or responsibilities;

12 (c) The time which has elapsed since the occurrence of the criminal
13 offense or offenses;

14 (d) The age of the person at the time of occurrence of the criminal
15 offense or offenses;

16 (e) The seriousness of the offense or offenses;

17 (f) Any information produced by the person, or produced on his or
18 her behalf, in regard to his or her rehabilitation and good conduct;

19 (g) The legitimate interest of the public agency or private
20 employer in protecting property, and the safety and welfare of specific
21 individuals or the general public.

22 NEW SECTION. **Sec. 502.** A new section is added to chapter 43.43
23 RCW to read as follows:

24 (1) A business or organization shall not make a background check
25 inquiry to a private data broker about an applicant unless the business
26 or organization has notified the applicant or tenant that an inquiry
27 may be made.

28 (2) The business or organization shall notify the applicant of the
29 background check response within ten days after receipt by the business
30 or organization. The business or organization shall provide a copy of
31 the response to the applicant and shall notify the applicant of such
32 availability.

33 (3) Further dissemination or use of the record is prohibited.

34 (4) A business or organization violating this subsection is subject
35 to a civil action for damages.

36 (5) For purposes of this section:

1 (a) "Private data broker" means a business entity which for
2 monetary fees, dues, or on a cooperative nonprofit basis, regularly
3 engages, in whole or in part, in the practice of collecting,
4 transmitting, or otherwise providing personally identifiable
5 information on individuals who are not the customers or employees of
6 the business entity or affiliate.

7 (b) "Applicant" means a prospective employee, volunteer, or tenant
8 for rental accommodations.

9 NEW SECTION. **Sec. 503.** On or before October 1, 2007, the
10 department of corrections and the department of licensing shall enter
11 into an agreement establishing expedited procedures to assist offenders
12 in obtaining a driver's license or identification card upon their
13 release from a department of corrections' institution.

14 NEW SECTION. **Sec. 504.** (1) A joint legislative task force on
15 reentry employment barriers for previously incarcerated individuals is
16 established, with members as provided in this subsection.

17 (a) The president of the senate shall appoint one member from each
18 of the two largest caucuses of the senate, with at least one member
19 being a member of the senate human services and corrections committee;

20 (b) The speaker of the house of representatives shall appoint one
21 member from each of the two largest caucuses of the house of
22 representatives, with at least one member being a member of the house
23 public safety and emergency preparedness committee;

24 (c) The governor shall appoint the following members:

25 (i) The attorney general, or the attorney general's designee;

26 (ii) The secretary of the department of corrections or the
27 secretary's designee;

28 (iii) The commissioner of the employment security department or the
29 commissioner's designee;

30 (iv) The director of the department of licensing or the director's
31 designee;

32 (d) In addition, the joint legislative task force, where feasible,
33 may consult with individuals representing the following:

34 (i) State agencies that issue occupational licenses;

35 (ii) Counties;

36 (iii) Cities;

1 (iv) Crime victims;
2 (v) Faculty members who educate incarcerated offenders;
3 (vi) Faculty members who educate released offenders;
4 (vii) Community corrections officers;
5 (viii) Labor organizations representing correctional officers who
6 work in adult correctional facilities;
7 (ix) City local law enforcement;
8 (x) County law enforcement;
9 (xi) Ex-offenders;
10 (xii) Faith-based organizations that provide outreach or services
11 to offenders;
12 (xiii) Washington businesses; and
13 (xiv) Nonprofit organizations providing workforce training to
14 released offenders.

15 (2) The joint legislative task force shall be cochaired by a
16 legislative member from the senate and a legislative member from the
17 house of representatives, as chosen by the task force.

18 (3) The joint legislative task force shall review and make
19 recommendations regarding:

20 (a) Changes to occupational licensing laws and policies to
21 encourage employment of individuals with criminal histories while
22 ensuring the safety of the public;

23 (b) Federal and state statutory barriers that prevent individuals
24 with criminal histories from obtaining employment in public or
25 government contracting jobs;

26 (c) Other barriers that may prevent individuals with criminal
27 histories from obtaining viable employment.

28 (4) The joint legislative task force may, where feasible, consult
29 with individuals from the public and private sector in carrying out its
30 duties under this section.

31 (5)(a) The joint legislative task force shall use legislative
32 facilities, and staff support shall be provided by senate committee
33 services, the house of representatives office of program research, and
34 the Washington state institute for public policy. The department of
35 corrections, department of licensing, and employment security
36 department shall cooperate with the joint legislative task force, and
37 shall provide information as the task force reasonably requests.

1 (b) Nonlegislative members of the joint legislative task force
2 shall serve without compensation, but shall be reimbursed for travel
3 expenses as provided in RCW 43.03.050 and 43.03.060.

4 (c) Legislative members of the joint legislative task force shall
5 be reimbursed for travel expenses in accordance with RCW 44.04.120.

6 (d) The expenses of the joint legislative task force shall be paid
7 jointly by the senate and the house of representatives.

8 (6) The joint legislative task force shall present a report of its
9 findings and recommendations to the governor and the appropriate
10 committees of the legislature, including any proposed legislation, by
11 November 15, 2007.

12 (7) This section expires December 15, 2007.

13 **PART VI - HOUSING**

14 NEW SECTION. **Sec. 601.** A new section is added to chapter 59.18
15 RCW to read as follows:

16 (1) Any person whose life, safety, health, or use of property is
17 being injured or endangered by a tenant's failure to comply with
18 statutory duties as provided in RCW 59.12.030(5), 59.18.130 (6), (8),
19 or (9), or 59.20.140(5) may serve the landlord with a ten-day notice
20 and demand that the landlord commence an unlawful detainer action
21 against the tenant. The notice and demand must set forth, in
22 reasonable detail, facts and circumstances which lead the person to
23 believe the tenant has violated his or her statutory duties. The
24 notice and demand shall be served by delivering a copy personally to
25 the landlord or the landlord's agent. If the person is unable to
26 personally serve the landlord after exercising due diligence, the
27 person may deposit the notice and demand in the mail, postage prepaid,
28 to the landlord's or the landlord's agent's last known address.

29 (2)(a) Within ten days from the time the notice and demand is
30 served, the landlord has a duty to take reasonable steps to investigate
31 the tenant's alleged noncompliance with RCW 59.12.030(5), 59.18.130
32 (6), (8), or (9), or 59.20.140(5). The landlord must notify the person
33 who brought the notice and demand that an investigation is occurring.
34 The landlord has ten days from the time he or she notifies the person
35 in which to conduct a reasonable investigation.

1 (b) If, after reasonable investigation, the landlord finds that the
2 tenant is not in compliance with RCW 59.12.030(5), 59.18.130 (6), (8),
3 or (9), or 59.20.140(5), the landlord may proceed directly to an
4 unlawful detainer action or take reasonable steps to ensure the tenant
5 discontinues the prohibited activity. The landlord shall notify the
6 person who served the notice and demand of whatever action the landlord
7 takes.

8 (c) If, after reasonable investigation, the landlord finds that the
9 tenant is in compliance with RCW 59.12.030(5), 59.18.130 (6), (8), or
10 (9), or 59.20.140(5), the landlord shall notify the person who served
11 the notice and demand of the landlord's findings.

12 (3) The person who served the notice and demand may petition the
13 appropriate court to have the tenancy terminated and the tenant removed
14 from the premises if: (a) The landlord notifies the person that he or
15 she conducted a reasonable investigation and found that the tenant has
16 not failed to comply with his or her statutory duties as provided in
17 RCW 59.12.030(5), 59.18.130 (6), (8), or (9), or 59.20.140(5); or (b)
18 if the landlord took reasonable steps to require the tenant comply, but
19 the tenant has failed to comply within a reasonable time.

20 (4) If the court finds that the tenant was not in compliance with
21 RCW 59.12.030(5), 59.18.130 (6), (8), or (9), or 59.20.140(5), the
22 court shall enter an order terminating the tenancy and requiring the
23 tenant to vacate the premises.

24 (5) The prevailing party shall recover reasonable attorneys' fees
25 and costs. However, the court must order the landlord to pay costs and
26 reasonable attorneys' fees to the person petitioning for termination of
27 the tenancy if the court finds that the landlord failed to comply with
28 the duty to investigate, regardless of which party prevails.

29 NEW SECTION. **Sec. 602.** A new section is added to chapter 35.82
30 RCW to read as follows:

31 The legislature recognizes that stable, habitable, and supportive
32 housing is a critical factor that increases a previously incarcerated
33 individual's access to treatment and services as well as the likelihood
34 of success in the community. Housing authorities are therefore
35 encouraged to formulate rental policies that are not unduly burdensome
36 to previously incarcerated individuals attempting to reenter the

1 community, particularly when the individual's family may already reside
2 in government subsidized housing.

3 NEW SECTION. **Sec. 603.** A new section is added to chapter 72.09
4 RCW to read as follows:

5 (1) The department may enter into agreements to provide short-term
6 housing assistance to offenders classified as high risk or high needs
7 who are reentering the community and are in need of transitional
8 housing.

9 (2) The department may develop further criteria in rule to
10 determine who will qualify for housing assistance.

11 (3) Housing assistance shall not be provided in excess of ninety
12 days for each offender.

13 (4) The state, department, and its employees are not liable for
14 civil damages arising from the conduct of an offender solely due to the
15 placement of an offender in short-term housing or the provision of
16 housing assistance.

17 (5) This section expires July 1, 2009.

18 NEW SECTION. **Sec. 604.** The sum of three million eight hundred
19 fifty thousand dollars, or as much thereof as may be necessary, is
20 appropriated from the general fund for the fiscal year ending June 30,
21 2008, and the sum of three million eight hundred fifty thousand
22 dollars, or as much thereof as may be necessary, is appropriated from
23 the general fund for the fiscal year ending June 30, 2009, to the
24 department of corrections for the purposes of section 603 of this act.

25 **PART VII - RESTORATION OF CIVIL RIGHTS**

26 NEW SECTION. **Sec. 701.** The legislature recognizes that the
27 restoration of civil rights to former felons is important in
28 reintegrating those individuals back into the community after release.
29 However, the legislature also recognizes the importance of an
30 individual's continued compliance with the terms of release, including
31 the payment of legal financial obligations. It is the intent of this
32 legislature to restore a former felon's civil rights as early as
33 practicable while optimally ensuring the payment of restitution to the
34 victims of this state.

1

PART VIII - MISCELLANEOUS

2

NEW SECTION. **Sec. 801.** Part headings as used in this act do not
3 constitute any part of the law.

--- END ---